

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**SAMUEL BURFORD**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 2:24-cv-16-TBM-RPM**

**WAYNE COUNTY, MISSISSIPPI *et al.***

**DEFENDANT**

**ORDER**


This matter comes before the Court on the Defendant’s Motion for Judgment on the Pleadings [10], filed on March 1, 2024.

Pursuant to the Plaintiff’s Amended Complaint [25], filed on May 2, 2024, the Court finds that the Defendant’s Motion for Judgment on the Pleadings [10] is MOOT. The Amended Complaint [25] renders the Motion [10] of no legal effect because the Amended Complaint [25] does not refer to, adopt, or incorporate by reference the Original Complaint—the state court Amended Complaint [1-3]. *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) (finding that an amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading). Therefore, the pending Motion for Judgment on the Pleadings [10] is moot. *See New Orleans Association of Cemetery Tour Guides and Companies v. New Orleans Archdiocesan Cemeteries*, 56 F.4th 1026, 1034 (5th Cir. 2023) (“Because the first amended complaint is

nullified, we cannot consider—and thus must dismiss—an appeal . . . stemming from said complaint.”).

IT IS THEREFORE ORDERED that Defendant’s Motion for Judgment on the Pleadings [10] is DENIED as MOOT.

THIS, the 16th day of May, 2024.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE